



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,941	09/26/2003	Jose Costa-Requena	NOKM.070PA	9459
<div>7590 08/09/2007 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425</div>			<div>EXAMINER CHANG, JUNGWON</div>	
			<div>ART UNIT 2154</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/09/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,941

Applicant(s)

COSTA-REQUENA ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment filed on 5/24/07. Claims 1-32 are presented for examination.

2. As noted in the previous office action, the examiner rejected claims 22-25 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In response to the rejection, applicant amended claims 22-25 to include a tangible computer-readable medium to overcome the 101 rejection. However, the examiner respectfully disagrees. The specification of the present application does not explicitly specify what the “tangible computer-readable medium” is. Furthermore, the applicant is directed to read USPTO interim guides explicitly states as follows:

Functional Descriptive material *per se* is not statutory.

- ***Cf. In re Warmerdam*, disembodied data structure claim.**

Functional Descriptive material in combination with an appropriate computer readable medium must be capable of producing a useful, concrete and tangible result when used in a computer system.

- ***Cf. In re Warmerdam* – data structure stored in a computer memory, and *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994) – data structure in a “computer readable medium”.**
- **The “computer readable medium” must be physical structure, not a signal, which permits the functionality to be realized with the computer.**

The computer readable medium must be physical structure which provides the functional descriptive material in usable form to permit the functionality to be realized with the computer. A program product which does not

explicitly include such a medium, a program per se, a signal or other type of transmission media that fails to include the hardware necessary to realize the functionality, and a piece of paper with the functional descriptive material written on it are all examples of media which are not believed to enable the functionality to be realized with the computer.

For all of the reasons above, the rejection under 35 U.S.C. 101 is maintained.

3. The rejection to Claims 1-32 under 35 U.S.C. 112, first paragraph is withdrawn in view of amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1, 2, 4, 7, 9, 12, 13, 15, 16, 22, 23, 26, 27 and 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets et al. (US 2003/0236912), hereinafter Klemets, in view of Dickerman et al. (US 7,233,979), hereinafter Dickerman, Keller et al. (US 2004/0133683), hereinafter Keller.
6. As to claims 1 and 30, Klemets discloses a method of initiating a multimedia session via a terminal, comprising:

receiving a multimedia session request from a network entity via an application of the terminal (page 3, 0032, "client 106 initiates a connection to the server using a RTSP

SETUP command”; page 5, 0047, “software and data structures are operable with any session description message 502, protocol, or format...”);

forming a session descriptor request by the application in response to the multimedia session request (description request from the client; page 2, 0015; client 106 initiates a connection to the server; page 3, 0032; client 106 and server 104 to initiate a streaming media session; page 4, 0041);

communicating the session descriptor request from the application to a session descriptor module of the terminal (the response contains transport level parameters and session identifier; page 3, 0032; transmitting description message via a description protocol, e.g., SDP; page 4, 0041; page 9, 0097-0139);

forming a session descriptor based on a set of multimedia session parameters of the terminal (there may be multiple available video streams encoded at different bit rates, i.e., with different quality, and client may choose which one to receive; page 3, 0032; page 5, 0047-0056; page 6, 0062; page 9, 0097-0139);

communicating the session descriptor from the session descriptor module to the application in response to the session descriptor request (session description; fig. 4; computer-readable media stores a data structure representing a description message...a session description field; page 2, 0017; session description section or field 512; page 5, 0048; page 9, 0097-0139; page 5, 0047, “software and data structures are operable with any session description message 502, protocol, or format...”); and

communicating the session descriptor from the application to the network entity to establish the multimedia session with the network entity (page 3, 0032).

7. Although Klemets discloses communicating between application and session descriptor module independently running on the terminal (page 5, 0047, "*software and data structures are operable with any session description message 502, protocol, or format and not specifically limited to SDP or any other format or protocol*"), Klemets does not specifically disclose the application to determine multimedia capabilities of the terminal. Dickerman discloses the application to determine multimedia capabilities of the terminal (fig. 1; page 3, line 64 – col. 4, line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klemets and Dickerman because Dickerman's determining the terminal's capability would allow a terminal to arrange of communication sessions with other session terminal based on each respective terminal's specific communication implementation details (Dickerman, page 1, lines 35-39).

Keller discloses the application to determine multimedia capabilities of the terminal (page 9, 0100-0107, "recipient may then coordinate with the corresponding system level process to determine the address and port assignments to be assigned to this session; page 2, 0014, "application layer routing control of SIP to enable to a user to initiate a session). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klemets and Keller because Keller's determining the terminal's capability would allow the session initiator and recipient to communicate with identified media type (Keller, page 9, 0100-0107).

Art Unit: 2154

8. As to claim 2, Klemets discloses wherein the session descriptor comprises a session description protocol (SDP) descriptor (page 3, 0028, 0030; page 1, 0007).

9. As to claim 4, Klemets discloses wherein the set of multimedia session parameters includes a session security parameter (authentication; page 3, 0032), and wherein forming the session descriptor further comprises receiving the media codecs parameter from a codecs module of the computing arrangement (encoding; decoding; page 6, 0067; page 7, 0073).

10. As to claims 7 and 9, Klemets discloses further comprising authenticating an originator of the request using an identity parameter (authentication; page 3, 0032).

11. As to claim 12, it is rejected for the same reasons set forth in claim 1 above. In addition, Klemets discloses one or more data processing arrangements (130, 194, fig. 6) coupled to a network (WAN, LAN; 196, 198, fig. 6) (page 8, 0086) and adapted to exchange multimedia data via the network (page 2, 0015-0016; page 3, 0032; page 8, 0086); a memory for storing an application and a session descriptor module (fig. 4; computer-readable media stores a data structure representing a description message...a session description field; page 2, 0017; session description section or field 512; page 5, 0048; page 9, 0097-0139); and a processor (132, fig. 6) coupled to the memory (134, 138, 140, fig. 6).

12. As to claim 13, it is rejected for the same reasons set forth in claim 2 above.
13. As to claims 15 and 16, they are rejected for the same reasons set forth in claim 4 above.
14. As to claim 22, it is rejected for the same reasons set forth in claim 1 above. In addition, Klemets discloses a computer-readable medium having instructions stored thereon, which are executable by a computing arrangement for establishing a multimedia session via a network (computer readable instructions; page 7, 0081-0084; page 8, 0091).
15. As to claim 23, it is rejected for the same reasons set forth in claim 2 above.
16. As to claim 26, it is rejected for the same reasons set forth in claim 1 above. In addition, Klemets discloses verifying the session descriptor based on a set of multimedia session parameters of the computing arrangement (client is free to choose which streams it wants to SETUP; page 3, 0032; SDP message specifies the corresponding streaming media format stream identifier; page 4, 0041).
17. As to claim 27, it is rejected for the same reasons set forth in claim 2 above.
18. As to claims 29 and 31, they are rejected for the same reasons set forth in claim

Art Unit: 2154

4 above.

19. **Claims 3, 5, 6, 14, 24, 28 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets, Dickerman, Keller, further in view of Sen et al. (US 6,845,389), hereinafter Sen.

20. As to claim 3, Klemets discloses multimedia session parameters includes a quality of service parameter (multiple available video streams encoded at different bit rates, i.e., different quality; various transport level parameters; page 3, 0032; selection of connection bandwidth; page 4, 0044). However, Klemets and Maes do not specifically disclose forming the session descriptor further comprises receiving the quality of service parameter from a QoS module of the computing arrangement. Sen discloses forming the session descriptor further comprises receiving the quality of service parameter from a QoS module of the computing arrangement (col. 2, lines 4-18; session participation request message 52 includes bandwidth requirements and the QoS requirements for the session; col. 4, lines 51-55; col. 5, lines 22-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klemets, Maes and Sen because Sen's receiving the QoS parameter would improve the quality of service for the clients by establishing communication session based on user's service requirements.

21. As to claims 5 and 6, Klemets discloses set of multimedia session parameters

(session description; fig. 4; computer-readable media stores a data structure representing a description message... a session description field; page 2, 0017; session description section or field 512; page 5, 0048; page 9, 0097-0139). However, Klemets does not specifically disclose a device description parameter, and wherein forming the session descriptor further comprises receiving the device description parameter from a device management module of the computing arrangement. Sen discloses a device description parameter, and wherein forming the session descriptor further comprises receiving the device description parameter from a device management module of the computing arrangement (session descriptor contains a description of user's computer terminal capabilities, such as processing power, memory, modem speed, etc; col. 4, lines 25-26, 32-45, 56-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klemets, Maes and Sen because Sen's device description parameter would allow the system to make a decision for setting up the session based on the device capability (Sen, col. 6, lines 25-27).

22. As to claims 14, 24 and 28, they are rejected for the same reasons set forth in claim 3 above.

23. As to claim 32, it is rejected for the same reasons set forth in claim 5 above.

24. **Claims 8, 10, 11 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets, Dickerman, Keller, further in view of Nuutinen (US

2002/0129236).

25. As to claims 8 and 10, Klemets discloses encapsulation and encoding the session descriptor (page 6, 0065-0067). However, Klemets does not specifically disclose a Public Key Infrastructure (PKI) key, and encrypting the session descriptor. Nuutinen discloses Public Key Infrastructure (PKI) key (page 6, 0121-0124; page 7, 0135-0140), and encrypting the session descriptor (page 5, 0112-0116). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klemets, Maes and Nuutinen because Nuutinen's PKI and encrypting would improve the security of the system by allowing only authorized user to receive and read the data.

26. As to claim 11, Klemets does not specifically disclose detecting an update in a system parameter that affects the multimedia session; forming a modified session descriptor based on the update; and communicating the modified session descriptor from the session descriptor module. Nuutinen discloses detecting an update in a system parameter that affects the multimedia session (handling the modifying multimedia session; page 2, 0038; page 6, 0129; verifying if it was modified; page 8, 0163); forming a modified session descriptor based on the update (modifications for terminal parameter settings are done to the SIP manager; page 11, 0239-0241); and communicating the modified session descriptor from the session descriptor module (transmission modified the message; page 7, 0131). It would have been obvious to one of ordinary skill in the

Art Unit: 2154

art at the time the invention was made to combine the teachings of Klemets, Maes and Nuutinen because Nuutinen's detecting, forming and communicating the modified session descriptor would allow the user to efficiently alter the session descriptor to suit his needs.

27. As to claim 25, it is rejected for the same reasons set forth in claim 8 above.

28. **Claims 17-18, 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets et al. (US 2003/0236912), in view of Dickerman, Keller.

29. As to claim 17, Klemets discloses a mobile terminal wirelessly (hand-held or laptop devices; page 8, 0090) coupled to a network (wireless media, such as acoustic, RF, infrared, and other wireless media, are examples of communication media; page 7, 0081), comprising:

exchange of multimedia data via the network (page 2, 0015-0016; page 3, 0032; page 8, 0086);

a memory (134, 138, 140, fig. 6) capable of storing at least one of a session descriptor module and a multimedia application (fig. 4; computer-readable media stores a data structure representing a description message...a session description field; page 2, 0017; session description section or field 512; page 5, 0048; page 9, 0097-0139); and

a processor (132, fig. 6) coupled to the memory (134, 138, 140, fig. 6) and operable by the multimedia application to establish a multimedia session via the

network (page 8, 0086, 0088, 0089; page 9, 0092), the processor operable by the session descriptor module to:

receive a request for a multimedia session descriptor via the application (description request from the client; page 2, 0015; "client 106 initiates a connection to the server using a RTSP SETUP command"; page 3, 0032; client 106 and server 104 to initiate a streaming media session; page 4, 0041);

determine a set of multimedia parameters of the mobile terminal (client is free to choose which streams it wants to SETUP; page 3, 0032);

form the multimedia session descriptor based on the set of multimedia parameters of the mobile terminal, the multimedia descriptor usable in establishing the multimedia session via the application (fig. 4; SETUP only audio; page 3, 0032; page 5, 0047-0056; page 6, 0062; page 9, 0097-0139); and

communicate the multimedia session descriptor to the application to enable establishment of the multimedia session by the multimedia application (client will use the transport parameters for this session; page 3, 0032; page 4, 0045).

30. Klemets discloses wirelessly exchanging of multimedia data via the network (page 2, 0015-0016; page 3, 0032; page 8, 0086). However, Klemets does not specifically disclose a transceiver. Money discloses a transceiver (page 2, 0022). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klemets and Money because Money's transceiver would allow the mobile user to wirelessly receive and transmit the desired data.

31. Although Klemets discloses communicating between application and session descriptor module independently running on the terminal (page 5, 0047, “*software and data structures are operable with any session description message 502, protocol, or format and not specifically limited to SDP or any other format or protocol*”), Klemets does not specifically disclose the application to determine multimedia capabilities of the terminal. Dickerman discloses the application to determine multimedia capabilities of the terminal (fig. 1; page 3, line 64 – col. 4, line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klemets and Dickerman because Dickerman's determining the terminal's capability would allow a terminal to arrange of communication sessions with other session terminal based on each respective terminal's specific communication implementation details (Dickerman, page 1, lines 35-39).

Keller discloses the application to determine multimedia capabilities of the terminal (page 9, 0100-0107, “recipient may then coordinate with the corresponding system level process to determine the address and port assignments to be assigned to this session; page 2, 0014, “application layer routing control of SIP to enable to a user to initiate a session). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klemets and Keller because Keller's determining the terminal's capability would allow the session initiator and recipient to communicate with identified media type (Keller, page 9, 0100-0107).

32. As to claim 18, Klemets discloses wherein the session descriptor comprises a session description protocol (SDP) descriptor (page 3, 0028, 0030; page 1, 0007).

33. As to claims 20 and 21, Klemets discloses wherein the set of multimedia session parameters includes a session security parameter (authentication; page 3, 0032), and wherein forming the session descriptor further comprises receiving the media codecs parameter from a codecs module of the computing arrangement (encoding; decoding; page 6, 0067; page 7, 0073).

34. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets et al. (US 2003/0236912), in view of Dickerman, Money et al. (US 2004/0009761), hereinafter Money, further in view of Keller.

35. As to claim 19, Klemets discloses multimedia session parameters includes a quality of service parameter (multiple available video streams encoded at different bit rates, i.e., different quality; various transport level parameters; page 3, 0032; selection of connection bandwidth; page 4, 0044). However, Klemets does not specifically disclose storing a Quality of Service (QoS) module, and the processor is operable by the QoS module for providing a QoS parameter to the session descriptor module usable for forming the session descriptor data. Money disclose storing a Quality of Service (QoS) module (maintaining information such as user profiles and quality-of-service

information; page 4, 0040), and the processor is operable by the QoS module for providing a QoS parameter to the session descriptor module usable for forming the session descriptor data (page 4, 0047-0048). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klemets and Money because Money's receiving the QoS parameter would improve the quality of service for the clients by establishing communication session based on user's service requirements.

Conclusion

36. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2154

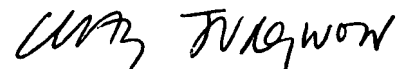
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-7:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 5, 2007



JUNGWON CHANG
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100